

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 9, 2009, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claim 15, the claim has been amended to characterize that the claimed computer product is a storage medium. Support for these changes may be found in the original Specification at page 5, lines 4-5, where it is disclosed that instructions coding a computer process may be stored in the memory of a device. Since the memory of a device is a physical storage medium that is structurally and functionally interrelated to the stored computer process, the claim satisfies the requirements of § 101 and MPEP § 2106.01. Consistent with 37 CFR 1.116 and MPEP § 714.12, the amendments presented to Claim 15 are submitted to overcome the § 101 rejection or present the claim in better form for consideration on appeal. Therefore, Applicant respectfully requests that the presented amendments be considered and entered and that the rejection be withdrawn.

Applicant respectfully traverses the § 102(b) rejection based upon the teachings of U.S. Patent No. 6,075,531 to DeStefano (hereinafter “DeStefano”) because DeStefano does not teach or suggest determining a grip area on a predetermined location on the display, as claimed in each of the independent claims. DeStefano teaches that the asserted grip span is a proximity range dependent upon the location of a user-controlled pointer (Col. 9, line 15, *et seq.*) when the pointer is in a move or resize mode (Col. 6, line 65-Col. 7, line 10). Since DeStefano’s grip span is based on a variable, user-controlled pointer, DeStefano’s grip span cannot be on a predetermined location on the display, as claimed. Consistent with this pointer-dependent positioning, the cited preview mode requires the pointer to already be positioned in order to preview where a grip span would be located if the pointer were in a move or resize mode. Notably, DeStefano teaches that after the preview the user must still select a grip mode in order to perform a desired operation. The use of the word “predetermined” in DeStefano refers to the fact that the preview mode (which does not involve an active grip span) is only available when the pointer is already in a location since the proximity range is dependent upon the pointer’s location – no preview is available for

an area where the pointer is not located. In contrast to the claimed predetermined location on a display for a grip area, DeStefano’s grip span/preview mode may be located anywhere the user spontaneously positions the pointer. Thus, DeStefano’s “preview” mode location fails to correspond to the claimed determination of a grip area on a predetermined location on the display. Without correspondence to each of the claim limitations, the § 102(b) rejection is improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that “Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” (Net Moneyin, Inc. v. Verisign, Inc., 545 F.3d 1359, 2008 WL 4614511 (Fed. Cir. 2008) quoting Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102.

Applicant respectfully submits that DeStefano does not teach every element of independent Claims 1, 8, 15, and 16 in the requisite detail, and therefore fails to anticipate Claims 1-16.

Moreover, Applicant maintains that DeStefano fails to teach detecting activation of the grip area for managing application windows on the display on the basis of a cursor being at least in the vicinity of the grip area. The asserted alignment of DeStefano’s pointer to the claimed cursor is inconsistent with the teachings of DeStefano since it would result in DeSefano’s pointer always being in a move or resize mode. Any time the pointer (asserted cursor) would be located on the display, a grip area would be activated rendering DeStefano’s “normal” mode (with no grip span associated with the pointer) impossible. Also, the reliance on the preview mode is misplaced since there is no active grip span associated with the preview mode. In contrast to the claimed invention, DeStefano teaches

that a grip span is activated when a move or resize mode is selected for the pointer. Thus, the pending claims are further believed to be patentable over the teachings of DeStefano.

Dependent Claims 2-7 and 9-14 depend from independent Claims 1 and 8, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by DeStefano. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 8. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-7 and 9-14 is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of dependent Claim 2, Applicant maintains that the asserted teachings do not correspond to the claimed showing of the grip area on the display. In contrast, the asserted Fig. 11 illustrates the initiation of the move pointer mode. While search span 252 and grip span 254 are illustrated with dashed circles, these merely indicate how to find affected windows, and the dashed circles are not actually visible on the display. Instead of showing a grip area, as claimed, DeStefano teaches that the pointer representation is changed and that affected windows may be highlighted (Col. 13, lines 34-37). Without correspondence to each of the claimed limitations, the § 102(b) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of dependent Claims 3 and 4, Applicant further traverses because the asserted teachings do not correspond to the claimed determining of the grip area at the edges (or at a bar) of an application window. While the cited portions at column nine teach that the origin of the proximity range may be set to a position on the closest window, the “closest window” is the window closest to the pointer. DeStefano’s pointer always determines the origin of the proximity range. Thus, a window closest to DeStefano’s pointer is inconsistent with, and fails to correspond to, the claimed determination on a predetermined location on the display (Claim 1) at the edges (or at a bar) of an application window (Claims 3 and 4). Since the location of DeStefano’s pointer is

determined spontaneously by a user, DeStefano's grip area is not determined on a predetermined location on a display. The changing location of DeStefano's pointer changes which window is "closest to" the pointer and the location of such window on the display changes such that it would not be predetermined. Without correspondence to each of the claimed limitations, the § 102(b) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (KOL.222.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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